

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KENTRELL D. WELCH,

Case No.: 2:19-cv-00193-RFB-VCF

Petitioner

## ORDER

V.

WARDEN BRIAN WILLIAMS, *et al.*,

## Respondents.

In Kentrell D. Welch’s 28 U.S.C. § 2254 habeas corpus petition he challenges his conviction pursuant to a guilty plea of second-degree murder and attempted murder, raising claims related to his competency and trial counsel’s failure to present mitigation evidence at sentencing. ECF No. 5. Through his counsel, the Federal Public Defender (“FPD”), Welch filed a motion in August 2020 to stay this case because COVID restrictions made it impossible for counsel to meet with Welch. ECF No. 51. The Court granted the motion and stayed the case. ECF No. 55.

16 Welch has now filed a motion to lift the stay and a motion to voluntarily dismiss his  
17 petition. ECF Nos. 78, 79. The FPD explains that he has discussed with Welch the procedural  
18 and substantive issues involved and the benefits and detriments of proceeding with this action.  
19 He includes Welch's declaration stating that, after consultation with counsel, he voluntarily,  
20 knowingly, and intelligently chooses to dismiss the petition. ECF No. 78 at 4. Good cause  
21 appearing,

**IT IS ORDERED** that petitioner's motion to lift stay (ECF No. 79) is GRANTED.

1       **IT IS FURTHER ORDERED** that, as the stay is lifted by this order, the Clerk of Court  
2 is directed to **REOPEN THE FILE** in this action.

3       **IT IS FURTHER ORDERED** that petitioner's motion to voluntarily dismiss the petition  
4 (**ECF No. 78**) is **GRANTED**.

5       **IT IS FURTHER ORDERED** that the petition is **DISMISSED** with prejudice.

6       **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close this  
7 case.  
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9       **DATED:** January 24, 2024



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11       RICHARD F. BOULWARE, II  
12       UNITED STATES DISTRICT JUDGE  
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